

United States Senate  
WASHINGTON, DC 20510-3703

COMMITTEES:

COMMITTEE ON FINANCE  
COMMITTEE ON BUDGET  
COMMITTEE ON ENERGY & NATURAL RESOURCES  
SELECT COMMITTEE ON INTELLIGENCE  
JOINT COMMITTEE ON TAXATION

April 23, 2019

The Honorable Joseph J. Simons  
Chairman  
Federal Trade Commission

The Honorable Rohit Chopra  
Commissioner  
Federal Trade Commission

The Honorable Noah Joshua Phillips  
Commissioner  
Federal Trade Commission

The Honorable Rebecca Kelly Slaughter  
Commissioner  
Federal Trade Commission

The Honorable Christine S. Wilson  
Commissioner  
Federal Trade Commission

Dear Chairman Simons, Commissioner Chopra, Commissioner Phillips, Commissioner Slaughter, and Commissioner Wilson:

I write to urge the Federal Trade Commission (FTC) to ensure that any consent order negotiated with Facebook concerning his company's unfair and deceptive practices and its mishandling of users' data holds Mark Zuckerberg, the company's Chief Executive Officer (CEO), individually liable for the company's repeated violations of Americans' privacy.

In 2011, the FTC entered into a consent decree with Facebook after finding in an eight count complaint that the company deceived consumers and mishandled their data. The Commission has now publicly confirmed that—in the wake of the Cambridge Analytica scandal last year—it is investigating Facebook for potentially violating the terms of that same 2011 consent decree.

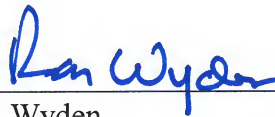
Mr. Zuckerberg launched Facebook in 2004, and has been the public face of the company ever since, including repeatedly making promises to Facebook users over privacy and data concerns. Mr. Zuckerberg is not merely the CEO of Facebook but he also controls a majority of the voting rights in the company. This control insulates him from accountability to Facebook's board and shareholders. Internal Facebook documents, released by the British Parliament in 2018, confirm that Mr. Zuckerberg was the ultimate decision-maker regarding Facebook's user data-sharing deals with its preferred corporate partners. In his own words, Mr. Zuckerberg said to the US House of Representatives Committee on Energy and Commerce in 2018: "I started Facebook. I run it, and I'm responsible for what happens here."

According to media reports, the FTC is now negotiating another consent order with Facebook. Any settlement with Facebook must hold Mr. Zuckerberg individually accountable or his flagrant, repeated violations of Americans' privacy will continue. The FTC has the authority to hold individuals responsible for the actions of a corporate entity where the individual

participated directly in the deceptive practices or acts or had authority to control them. See e.g. *POM Wonderful v. FTC*, No. 13-1060 (D.C. Cir. 2015). Given Mr. Zuckerberg's deceptive statements, his personal control over Facebook, and his role in approving key decisions related to the sharing of user data, the FTC can and must hold Mr. Zuckerberg personally responsible for these continued violations. The FTC must also make clear the significant and material penalties that will apply to both Facebook the corporation and Mr. Zuckerberg the individual should any future violations occur.

Thank you for your attention to this pressing matter. I look forward to your prompt response.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ron Wyden", is written over a horizontal line.

Ron Wyden  
United States Senator